

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER N-11-021

Relating to ARB Approval to use No-added Formaldehyde Resins by
Composite Wood Product Manufacturers under
section 93120.3, title 17, California Code of Regulations

Temple-Inland – Mt. Jewett MDF (TI – Mt. Jewett)

WHEREAS, the Air Resources Board (ARB) has adopted the “Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products” (the “ATCM”; title 17, California Code of Regulations, sections 93120-93120.12; which establishes formaldehyde emission standards for composite wood products;

WHEREAS, section 93120.1(a)(29) of the ATCM defines “no-added formaldehyde (NAF) based resins” to mean resins formulated with NAF as part of the resin cross linking structure for making hardwood plywood, particleboard, or medium density fiberboard, including, but not limited to resins made from soy, polyvinyl acetate, or methylene diisocyanate;

WHEREAS, section 93120.3(c) of the ATCM allows manufacturers of hardwood plywood, particleboard, and medium density fiberboard who use NAF based resins to apply for written approval from the Executive Officer for an exemption from the requirements of section 93120.3(b) of the ATCM;

WHEREAS, section 93120.3(c) of the ATCM allows manufacturers of hardwood plywood, particleboard, and medium density fiberboard who use NAF based resins to submit an application for an exemption from the requirements of section 93120.3(b) of the ATCM to the Executive Officer, which includes: (A) a statement indicating which product types will be manufactured using NAF based resins for sale in California; (B) the chemical formulation of the candidate NAF based resin(s), including base resins, catalysts, and other additives used in manufacturing; (C) the name of their ARB approved third party certifier; and (D) data on emissions performance of the candidate NAF based resin(s);

WHEREAS, the data on emissions performance of the candidate NAF based resin required in section 93120.3(c) of the ATCM must be obtained by working with an ARB approved third party certifier, and must include three months of routine quality control testing data, the correlation of the routine quality control testing data to primary or secondary testing data, and the results of one primary or secondary method test, as required in Appendix 2 of section 93120.12 of the ATCM;

WHEREAS, section 93120.3(c)(1) of the ATCM requires that ninety percent of the three months of routine quality control testing data and the results of the one primary or secondary method test must be shown to be no higher than 0.04 parts per million (ppm), and that all data must be shown to be no higher than 0.05 ppm for hardwood plywood and 0.06 ppm for particleboard, medium density fiberboard, and thin medium density fiberboard;

WHEREAS, section 93120.3(c)(4) of the ATCM provides that the Executive Officer shall approve the application and issue an Executive Order if the evidence submitted by the applicant is sufficient to demonstrate that the applicant has met the requirements specified in section 93120.3(c)(1) of the ATCM;

WHEREAS, Temple-Inland – Mt. Jewett MDF (TI – Mt. Jewett or the “applicant”) submitted an original application dated May 4, 2009;

WHEREAS, the application from TI – Mt. Jewett specifies the range in product manufacturing parameters, applicable post-press product treatments, base resin trade name(s) and base resin manufacturer(s)/supplier(s), and other ingredients added to the base resin by the applicant to manufacture NAF medium density fiberboard products;

WHEREAS, ARB was provided base resin/adhesive information specifying the base resin polymer type and minimum and maximum values of all major and any minor ingredients in the base resin on a percent weight of solids basis;

WHEREAS, the original application from TI – Mt. Jewett was deemed complete on June 2, 2009, and TI – Mt. Jewett was issued Executive Order N-09-021 signed on June 11, 2009, listing one base resin system in Confidential Attachment A;

WHEREAS, TI – Mt. Jewett submitted a request and supplementary documentation to ARB on April 29, 2010, for approval to add a second base resin system to Confidential Attachment A;

WHEREAS, the application and request submitted on April 29, 2010, demonstrates that the second base resin system is the same type of base resin system as listed in Confidential Attachment A for Executive Order N-09-021;

WHEREAS, TI – Mt. Jewett provided confirmatory testing for the second resin system and provided the result of one primary method test on a NAF product made with the second resin system that was no higher than 0.04 ppm;

WHEREAS, following submission of chemical formulation data for the second base resin system, the application from TI – Mt. Jewett was deemed complete on May 10, 2010, and TI – Mt. Jewett was issued Executive Order N-09-021A, signed on May 27, 2010;

WHEREAS, section 93120.3(c) of the ATCM allows NAF product manufacturers to apply for re-approval by ARB by submitting an updated application;

WHEREAS, Temple Inland – Mt. Jewett MDF submitted an updated application for re-approval to ARB on April 21, 2011;

WHEREAS, the updated application from TI – Mt. Jewett names only one base resin system for use in making NAF products;

WHEREAS, the updated application for re-approval from TI – Mt. Jewett was deemed complete on May 10, 2011;

WHEREAS, the Executive Officer finds that the completed, updated application demonstrated the NAF manufacturer's ability to continue to comply with section 93120.3(c);

WHEREAS, the Executive Officer approved TI – Mt. Jewett's request for re-approval, and it is appropriate that Executive Order N-09-021A be superseded by this Executive Order N-11-021;

NOW, THEREFORE, IT IS ORDERED that TI – Mt. Jewett is hereby approved as a NAF manufacturer of medium density fiberboard provided that the following terms and conditions are met for products sold, supplied, offered for sale, or manufactured for sale in California;

1. TI – Mt. Jewett must use the commercial resin listed and supplier listed in section A of Confidential Attachment A for the manufacture of NAF medium density fiberboard products.
2. The chemical formulation of the base resin used for the manufacture of NAF composite wood products by TI – Mt. Jewett must be within the ranges specified for the base resin named in section B of Confidential Attachment A.
3. The application rate of the base resin used for the manufacture of NAF composite wood products by TI – Mt. Jewett must be within the range specified in section C of Confidential Attachment A.
4. Other chemical components of the base resin (such as sizing wax and release wax) used for the manufacture of NAF composite wood products by TI – Mt. Jewett must be within the ranges specified in section D of Confidential Attachment A.
5. The allowable operating parameters for press temperature and press time for the base resin used to manufacture the NAF composite wood products by TI – Mt. Jewett must be within the ranges specified in section E of Confidential Attachment A.

6. Only the composite wood products with the product names listed in section F of Confidential Attachment A are authorized under this Executive Order.

BE IT FURTHER ORDERED that this Executive Order N-11-021 supersedes Executive Order N-09-021A, which was issued on May 27, 2010;

BE IT FURTHER ORDERED that TI – Mt. Jewett may change the resin system supplier listed in section A of Confidential Attachment A if the new resin supplier supplies the same resin type listed in Confidential Attachment A, confirmatory emission tests are conducted, and the Chief of the Air Quality Measures Branch within the Stationary Source Division is notified in advance of using the new resin system for production;

BE IT FURTHER ORDERED that TI – Mt. Jewett must conduct confirmatory testing for any new resin supplier by demonstrating that the result of one primary or secondary method test for the new resin system supplier are no higher than 0.04 ppm for the NAF products authorized under this Executive Order;

BE IT FURTHER ORDERED that this Executive Order shall have a duration of two years, and the applicant may apply for re-approval as provided in section 93120.3(c)(4) of the ATCM.

BE IT FURTHER ORDERED that the application for re-approval specified in section 93120.3(c)(4) of the ATCM, as applicable, requires the applicant to submit the results of at least one primary or secondary method test for the NAF products listed in Confidential Attachment A based on panels or a set of panels randomly selected and tested by an ARB approved third party certifier, and the chemical formulation of the NAF based resin(s). In addition, at least one primary or secondary method test must be provided for each facility which operates in accordance with this Executive Order, and the applicant must also include a current list of their resin suppliers.

BE IT FURTHER ORDERED that section 93120.3(c)(6) of the ATCM, as applicable, specifies that if the applicant decides to change to a formaldehyde based resin system, the applicant must notify ARB in advance of changing resin systems and must comply with the requirements of section 93120.3(b) of the ATCM for that product type.

BE IT FURTHER ORDERED that the Executive Officer may review and, for good cause, modify or revoke this Executive Order as provided in section 93120.3(c)(4) of the ATCM. The Executive Officer shall not modify or revoke this Executive Order without affording the applicant the opportunity for a hearing in accordance with the procedures specified in title 17, California Code of Regulations, section 60055.1 et seq.

BE IT FURTHER ORDERED that the applicant must maintain records in electronic or hard copy form for two years, for review by ARB upon request, as specified in section 93120.3(g) of the ATCM.

BE IT FURTHER ORDERED that the applicant must notify the Executive Officer in writing within 30 days of any change in their product manufacturing parameters or base resin manufacturer(s) or supplier(s) that constitute a modification outside the scope of their application for reduced testing under, or an exemption from, the requirements in section 93120.3(b) of the ATCM.

Executed at Sacramento, California this 11th day of May, 2011.

David J. Mollay for:

Janette M. Brooks, Chief
Air Quality Measures Branch
Stationary Source Division

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